

14

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED

JAN 27 2010

CLERK'S OFFICE
U. S. DISTRICT COURT
EASTERN MICHIGAN

ATUL C. SHAH,

Plaintiff,

Case No. 2:09-cv-14038

vs.

HON. MARIANNE BATANNI

**THE GENERAL MOTORS
COMPANY, et al.,**

Defendant.

**PLAINTIFF'S RESPONSE TO
SHOW CAUSE ORDER**

Plaintiff responds to the Show Cause Order to Dismiss for Lack Of Progress/Lack of Service as follows:

1. On June 11, 2008, I was discriminated against by General Motors when I was wrongfully terminated from my job as a Contract Medical Physician for General Motors because of my religion, race, nationality, age, and gender and retaliation for having filed a previous EEO Complaint which I later withdrew.
2. I spoke with my son (who is highly educated), friends and colleagues about my situation and learned that I should contact the Equal Employment Opportunity Commission and discuss my options with them.
3. I set up an appointment for December 4, 2009, and, at that appointment, I was formally interviewed by an intake worker, explained the EEOC process, informed of my rights, and was told that the matter would be thoroughly investigated by the EEOC. I provided extensive, detailed documentation of events, dates, times, individuals involved and witnesses.

4. I requested a list of attorneys by the EEOC who specialize in these types of cases, including Sue Gordon and others whom I contacted.
5. A friend recommended Attorney John Parnell, whom I met at his office in St. Clair Shores in Macomb County. He stated that he would investigate the facts of my case and determine if it was meritorious and if he would review the statutes and requirements, and let me know if he could handle my case. Then we would discuss his retainer and likely cost of pursuing this. He advised to continue the EEOC Complaint while he looked into the matter.
6. Because Mr. Parnell did not specialize in this type of lawsuit, he said he would have to put in a lot of work just to learn the nuances of pursuing the case and suggested I get an attorney who actually specialized in this area. I am still contacting attorneys on the referral list to represent me but They want an hourly agreement which I am not able to afford. I have a Learned of a few attorneys who may do the case on a "contingency" agreement.
7. EEOC, after several months ostensibly investigating the case, notified me that my EEOC complaint was being dismissed because its investigation could not substantiate the discrimination. All that was done, was contact GM and they said they did not discriminate.
8. EEOC informed me of what I could do to pursue my case, and told me That before I file a lawsuit, I must have a Right To Sue Letter, which I requested and they issued for me.
9. Without the benefit of an attorney, I did file my Complaint with this Court not long after I received my Right To Sue Letter. I paid the filing Fee and was told that I was all set.
10. I looked up the information on serving the Defendants and discovered I could not do so without a Summons for each Defendant.
11. I called the Clerk of the Court who verified this and said that I could get the Summons on line but would have to have them signed by the Clerk for them to be effective.

12. On December 23, 2009, I went to the Clerk and she Issued me my Two Summons for the Defendants.

13. BOTH DEFENDANTS HAVE IN FACT BEEN SERVED.

14. I served the GENERAL MOTORS COMPANY a/k/a LIQUIDATED MOTORS COMPANY, formerly known as the GENERAL MOTORS CORPORATION via their resident agent THE CORPORATION BUREAU, IN FRANKLIN, MICHIGAN BY CERTIFIED MAIL FROM THE WARREN POST OFFICE ON DECEMBER 31, 2009 at 3:04 p.m. [EXHIBIT "A"; on line Postal Service confirmation of delivery of certified mail.]

15. My Summons and Complaint were delivered and accepted by the Corporation Bureau for GENERAL MOTORS on January 4th, 2009 at 10:27 a.m. [See Exhibit "A"].

16. I served the served the BASHEN CORPORATION on the same date and from the same Post Office in Warren, Michigan, I served GENERAL MOTORS, December 31, 2009, at 3:15 p.m. by mailing the Summons and Complaint, by Certified Mail to their principal office in Houston, Texas. [See Exhibit "C"]

B & B-1 

17. On January 5th, 2010, at 2:15, my Summons and Complaint were delivered and received by the BASHEN CORPORATION.

18. On January 11th, 2009, I received a letter from attorneys for General Motors Company, informing me that General Motors was in the Bankruptcy Court in New York State and therefore I was precluded from proceeding in any lawsuit in this Court or any other Court against General Motors and was instead left to the jurisdiction of the U.S. Bankruptcy Court in New York. [Exhibit "D"].

19. I have since receiving the letter, had verbal, faxed, and mail communication with the Attorneys for General Motors, and having Read the statutes cited for the automatic stay and being assured by Attorney Briana N. Benfield, of WEIL, GOTSHAL & MANGES, LLP, attorneys for General Motors that I would be listed on the bankruptcy MATRIX for General Motors, and I would have my case heard in the Bankruptcy Court

Through established arbitration proceedings, I am persuaded that they are Correct and my case against should be dismissed due to the Automatic Stay Provisions applicable to GENERAL MOTORS as a debtor in current bankruptcy proceedings. I told her that I would get the case dismissed but I would need more than five days to do so. She also agreed that she was only interested in my claims against GENERAL MOTORS being dismissed and Her request had nothing to do with BASHEN CORPORATION which is not an affiliate of any kind with GENERAL MOTORS.

20. On January 22nd, 2010, I received a Fax Transmission from Attorney Briana Benfield in which she has confirmed to me that I am now on the GENERAL MOTOTS Bankruptcy Matrix as a Creditor...along with other Information about the arbitration proceedings that will be available to me In the Bankruptcy Court. [Exhibit "E"].
21. The BASHEN CORPORATION is a Defendant totally distinct from General Motors and is not involved in bankruptcy proceedings.
22. Confusion came as to the identity and nature of the BASHEN CORPORATION, when, in the EEOC Disposition of my case, they listed GENERAL MOTORS CORPORATION as the Respondent, in care of THE BASHEN CORPORATION.
23. This led me to believe that BASHEN CORPORATION was affiliated with GENERAL MOTORS, which I had alleged in my Complaint.
24. I searched on the internet for the BASHEN CORPORATION and they Were not listed as a Michigan Corporation or a Corporation doing business In Michigan.
25. I searched with the State Bureau in Texas and learned that they were not listed as a Corporation doing business in Texas.
26. I searched for the BASHEN TEXAS located at the Texas address provided on the Disposition sheet from EEOC and learned that they sub Contract to do investigations for the EEOC.
23. **On January 22nd, 2010, I received a letter from attorneys for the BASHEN CORPORATION, Law Offices of Lipson, Nelson, Cole,**

Seltzer, Garin, P.C., stating they had been retained by BASHEN CORPORATION to represent them in my case against them in your court. [Exhibit "F"].

27. I have also attached my Summons Return for each of the Defendants.
28. **YOUR HONOR, I HAVE NOT ONLY PROOF THAT THE DEFENDANTS HAVE BEEN TIMELY SERVED BUT THAT I HAVE BEEN CONTACTED BY ATTORNEYS RETAINED BY THEM TO REPRESENT THEM IN THIS CASE.**
29. **I agree to voluntarily dismiss the case against GENERAL MOTORS Due to their Bankruptcy, their Automatic Stay Provisions, and the fact that they have kept their word to me to List me on the bankruptcy schedules (which they now have) and to permit me to pursue my claim in the Bankruptcy Court, which they have shown me they are doing. Please take into account all the work done on this case and Order a Voluntary Dismissal of my Claims on those grounds rather than the grounds of Lack Of Progress/Failure To Serve. This means a lot to me.**
30. This Court still has jurisdiction over the Bashen Corporation which is a Texas Corporation, employed as an independent contractor by the Equal Employment Opportunity Commission as an investigator for Civil Rights Complaints.
31. The Bashen Corporation failed to conduct any investigation into my case and therefore I was again deprived of due process of law by this Defendant again because of my race and my religion. My EEO Complaint was dismissed summarily because this "investigator" decided, without investigating the case, that it had no merit.
32. I ask that I be provided to amend my complaint against BASHEN CORPORATION to add other claims, if necessary.

WHEREFORE, I PRAY THAT THIS HONORABLE COURT WILL NOT DISMISS MY CASE BECAUSE OF LACK OF PROGRESS/FAILURE TO SERVE, BUT RATHER THAT YOU WILL GRANT MY REQUEST FOR VOLUNTARY DISMISSAL OF ALL MY CLAIMS

AGAINST GENERAL MOTORS COMPANY, formerly known as the LIQUIDATED MOTORS CORPORATION formerly known as GENERAL MOTORS CORPORATION ONLY, due to the Bankruptcy Proceedings In Which Debtor is engaged, specifically, and the Automatic Stay Provisions of the U.S. Bankruptcy Code.

AND FURTHER THAT YOU PERMIT ME TO CONTINUE MY CLAIMS AGAINST BASHEN CORPORATION BECAUSE THEY HAVE IN FACT BEEN SERVED AND, WHILE THEIR ATTORNEYS HAVE NOT FILED AN APPEARANCE WITH THE COURT, THEY HAVE RESPONDED TO ME IN WRITING STATING THAT THEY HAVE BEEN RETAINED TO REPRESENT BASHEN CORPORATION IN THIS MATTER.

Respectfully submitted,



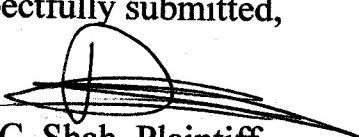
Atul C. Shah, Plaintiff

January 23, 2010

PROOF OF SERVICE

On this the 25th day of January, 2010, I did furnish a true and accurate copy Of the above Plaintiff's Response To Show Cause Order, by mailing same to The respective attorneys who have contacted me as representing these defendants in writing sent to their respective office addresses, postage fully prepaid, by ordinary mail.

Respectfully submitted,



Atul C. Shah, Plaintiff

January 23, 2010



Exhibit-A

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[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 7009 1410 0000 6168 7684

Class: First-Class Mail®

Service(s): Certified Mail™

Status: Delivered

Your item was delivered at 10:27 AM on January 4, 2010 in FRANKLIN, MI 48025.

Detailed Results:

- Delivered, January 04, 2010, 10:27 am, FRANKLIN, MI 48025
- Arrival at Unit, January 04, 2010, 7:02 am, SOUTHFIELD, MI 48037
- Acceptance, December 31, 2009, 3:04 pm, WARREN, MI 48090

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

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Track & Confirm

Enter Label/Receipt Number.

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No FEAR Act EEO Data FOIA

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Exhibit - B

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Track & Confirm

Search Results

Label/Receipt Number: 7009 1410 0000 6168 7707

Class: First-Class Mail®

Service(s): Certified Mail™

Status: Delivered

Your item was delivered at 2:15 PM on January 5, 2010 in HOUSTON, TX 77057.

Detailed Results:

- Delivered, January 05, 2010, 2:15 pm, HOUSTON, TX 77057
- Acceptance, December 31, 2009, 3:05 pm, WARREN, MI 48090

Notification Options

Track & Confirm by email

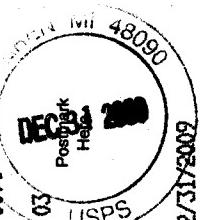
Get current event information or updates for your item sent to you or others by email.

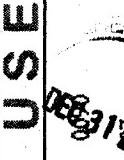
[Track & Confirm](#)[Enter Label/Receipt Number](#)[Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

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Exhibit B - 1

<p>U.S. Postal Service™</p> <p>CERTIFIED MAIL™ RECEIPT</p> <p>(Domestic Mail Only; No Insurance Coverage Provided)</p>													
<p>For delivery information visit our website at www.usps.com</p>													
<p>RECEIPT MAIL USE</p>													
													
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Return Receipt Fee (Endorsement Required)	\$ 0.00												
Restricted Delivery Fee (Endorsement Required)	\$ 0.00												
Total Postage & Fees	\$ 4.02												
<p>Sent To:</p> <p>General Motors Company Street Address: 3600 Corporate Center Dr. or PO Box No. 36000 City, State: Bremen, MI 48090-36000</p>	<p>Postage Due</p> <p>Hand</p> <p>USPS</p> <p>12/31/2009</p>												
<small>See Reverse for Instructions</small>													

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>																	
For delivery information visit our website at www.usps.com																	
																	
																	
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Sent To: Street, Apt. No.: 1616 South Voss, Ste 300 or PO Box No. City, State, ZIP 77057																	
<p style="text-align: right;">PS Form 3800. August 2006</p>																	
<p style="text-align: right;">See Reverse for Instructions</p>																	

*Exhibit - D***WEIL, GOTSHAL & MANGES LLP**

1300 I STREET, N.W.
 SUITE 900
 WASHINGTON, D.C. 20005
 (202) 682-7000
 FAX: (202) 857-0940

DIRECT LINE
 202-682-7206
 brianna.benfield@weil.com

January 7, 2010

AUSTIN
 BEIJING
 BOSTON
 BUDAPEST
 DALLAS
 DUBAI
 FRANKFURT
 HONG KONG
 HOUSTON
 LONDON
 MIAMI
 MUNICH
 NEW YORK
 PARIS
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 PROVIDENCE
 SHANGHAI
 SILICON VALLEY
 WARSAW

BY FEDEX

Atul C. Shah
 2884 Manorwood Drive
 Troy, MI 48085

Re: Atul C. Shah v. General Motors Company and Bashen Corporation

Dear Mr. Shah:

I write to inform you that on June 1, 2009, (the “Commencement Date”), Motors Liquidation Company (f/k/a General Motors Corporation) (“MLC”) and certain of its subsidiaries filed voluntary petitions seeking bankruptcy protection under chapter 11 of title 11 of the United States Code (the “U.S. Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”). The chapter 11 cases have been consolidated for procedural purposes and bear case no. 09-50026 (REG). Enclosed herewith is a copy of MLC’s chapter 11 petition.

Your attention is directed to section 362(a) of the U.S. Bankruptcy Code, entitled “Automatic Stay.” Pursuant to section 362(a) of the U.S. Bankruptcy Code, an automatic stay went into effect on the Commencement Date, prohibiting the commencement or continuation of any actions or proceedings against the Debtors. The automatic stay expressly prohibits the following:

the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding

WEIL, GOTSHAL & MANGES LLP

Atul C. Shah
January 7, 2010
Page 2

against the debtor that was or could have been commenced before the commencement of the case under [the Bankruptcy Code.]

11 U.S.C. § 362(a)(1).

Accordingly, the above-captioned action was filed in violation of the automatic stay. All actions taken in violation of the automatic stay are void and, pursuant to established case law, parties may be held in contempt of court for violating the automatic stay. See, e.g., Bartel v. Eastern Airlines, 133 F.3d 908 (2d cir. 1998); Fidelity Mortgage Investors v. Camelia Builders, Inc., 550 F.2d 47 (2d cir. 1976), cert. denied, 429 U.S. 1093 (1977). In light of the foregoing, Motors Liquidation Company requests that you withdraw the complaint filed against it and confirm that you have done so within five business days. Motors Liquidation Company reserves all rights and remedies.

If you have any questions with respect to the foregoing, please do not

Very truly yours,



Brianna N. Benfield

Enc.

WEIL, GOTSHAL & MANGES LLP

1300 I Street, N.W., Suite 900, Washington, DC 20005

TOTAL PAGES:
9

FAX COVER PAGE

Main Phone: (202) 682-7000
Main Fax: (202) 857-0940
Second Fax: (202) 857-0939

DATE: January 22, 2010

(including this page)

FROM: Brianna Benfield

EMAIL: brianna.benfield@weil.com

PLEASE DELIVER TO:

FAX NUMBER:

PHONE NUMBER:

1. Atul Shah

586-731-7209

COMMENTS:

Re: Motors Liquidation Company (f/k/a General Motors Corporation)

Dr. Shah:

As requested in your letter dated January 15, 2010, enclosed is a copy of the page on which you are listed in Motors Liquidation Company's creditor matrix. Also attached is the affidavit of service indicating that you were served with the Notice of Bar Dates for Filing of Proofs of Claim and a Proof of Claim form in September 2009.

If you do not receive legible copies of all pages, please contact the Telecopy Department at (202) 682-7087 or the Sender.

ATTY. NO.: 5560 CLIENT/MATTER NO.: [REDACTED] ROOM NO.: PREPARED BY: Carolyn

TRANSMITTED BY: _____ DATE: _____ COMPLETED TIME: _____ AM PM

REFERENCE # _____

RECEIVED

This facsimile message is intended only for use of the individual or entity name above, and may contain confidential and/or legally privileged information. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the postal service. Thank You.

TO _____

Name	Address1	Address2	Address3	Address4	City	State
SHAFT, HENRY L.	211 N HARRISON ST				DODGE CITY	KS
SHAFT, ARTHUR ALBERT	3519 SHADY LN				MICHIGAN CITY	IN
SHAFT, CLINT L.	514 FREMONT ST				SAUGINAW	MI
SHAFT, GENEVA A.	1249D RUFFETT RD				SAUGINAW	MI
SHAFT, JAMES R.	723 N SHELDON ST				FLINT	MI
SHAFT, KAREN	5845 SWAN CREEK RD				PERRY	MI
SHAFT, TERRY L.	PO BOX 705				CHARLOTTE	MI
SHAFT, THOMAS A.	59B5 N HIGHWAY 223				SAUGINAW	MI
SHAFTIC, MARILYN N.	1481 STEPHY ST.				FERRY	MI
SHAFTIC, STEVE D.	29 BUEA VISTA WAY				ADRIAN	MI
SHAFTMAN, FRED	10 HIGHLAND VALLEY CT NW				HILES	OH
SHABOUT, DOUGLAS A.	PO BOX 245				NEW CASTLE	PA
SHABOUT, LINDA M.	55171 PARK PL.				ATLANTA	GA
SHABOUT, ROBERT C.	938 BEACHVIEW DR				LUTHER	MI
SHABOUT, ROBERT D.	55171 PARK BL.				NEW HUDSON	MI
SHABEENA, CLAYTON H.	5778 WILDCAT RD				WHITE LAKE	MI
SHAGENA, DONALD R.	17 LINCOLN ST				NEW HUDDSON	MI
SHAGENA, DONALDS	2607 SPHELMAN RD				OLDE	MI
SHAGENA, HAROLD P.	7244 SCHOOLCRAFT DR				ONFORD	MI
SHAGENA, JACK R.	1701 BAY RD				ADRIAN	MI
SHAGEA, JEFFREY M.	3011 DUNKEER RD				DAVISON	MI
SHAGEA, JEFFREY MICHAEL	3011 DUNKEER RD				GOFORD	MI
SHAGEA, JAY, CYCLE E.	2607 SPHELMAN RD				BALTIMORE	MD
SHAGEA, LEE C.	25527 MIDFORD AVE				ADRIAN	MI
SHAGEA, MAELEN	52 W MANOR ST				MARREN	MI
SHAGEA, VINCENT J.	74 E. MANOR ST				OXFORD	MI
SHAGOTTI, ROBERT P.	6332 PATCHIN RD				BOSTON	MA
SHAH	44025 15TH ST NW STE 207				FLINT	MI
SHAH	1800 S SAGINAW ST	SUITE 1800			HIGHLAND PARK	MI
SHAH ALLIANCE GROUP LLC	15133 HAMINTON				TRACY	MI
SHAH ALLIANCE GROUP LLC	6009 BRUNSWICK DR				CLEVELAND	OH
SHAH ALLIANCE GROUP LLC	6009 BRUNSWICK DR				SOUTH PLAINFIELD	NJ
SHAH ALI PESH	REVOLUTIONARY SYSTEMS				TRACY	MI
SHAH ATUL C MO	2688 MANDARINO DR				FRANKLIN PARK	IL
SHAH ERINANT	2442 BRITTA AVE				FRANKLIN HILLS	IL
SHAH JAYSHREE	SHAH, JAYSHREE				PRINCETON JUNCTION	CA
SHAH JAYSHREE	LAW OFFICES OF STUART M FELDHIM PC	10300 NORTHWESTERN HIGHWAY SUITE 2128			LANCASTER	CA
SHAH MD	4425 35TH ST WSTE 110				WEST LAFAYETTE	IN
SHAH PARISH	25A HENDRICKSON DR				TROY	MI
SHAH SAMIRI	120 SARUCH ANSAL				ROCHESTER HILLS	MI
SHAH, BHAVESH	1330 GOUPILVIEW DR APT 203				STERLING HEIGHTS	MI
SHAH, BHUPENDERA	3400 EDMINTON DR				ROCHESTER HILLS	MI
SHAH, BHUPENDRA V.	1678 GALAXY BLVD				ATLANTA	GA
SHAH, BHUPENDRA V.	3400 EDMINTON DR				YORKTOWN	VA
SHAH, BHUPENDRA V.	14827 DRIED VALLEY DR NE				STERLING HEIGHTS	MI
SHAH, BHUPENDRA V.	1651 LEMON ROAD				LORTON	VA
SHAH, CHANDRAJIT B.	106 SAINT CLAIR DR APT 1				WEST BLOOMFIELD	MI
SHAH, CHIRAG V.	39504 LADONE AVE				ATLANTA	GA
SHAH, CHOWDAS	3880 RHODODENDRON CT				YORKTOWN	VA
SHAH, CHRIS	4750 WALNUT CREEK CIR				STERLING HEIGHTS	MI
SHAH, CYNTHIA A.	1935 COPPER LN				LORTON	VA
SHAH, DEEPAK G.	3955 RAVEN CIR				ATLANTA	GA
SHAH, DHARMESH K.	1874 TAYNEI LN				YORKTOWN	VA

JEFFREY T. NEILSON^{1,4}
 STEVEN R. COLE
 PHILLIP E. SELTZER¹
 JOSEPH P. GARIN^{1,2,4}
 THOMAS G. COSTELLO
 DAVID B. DEUTSCH
 HOWARD A. LAX
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 STEVEN H. MALACH
 KAREN A. SMYTH³
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 SCOTT D. STONER
 C. THOMAS LUDDEN
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 ALEX L. ALEXOPOULOS⁷
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 STARR HEWITT KINCAID
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 JASON M. SHINN
 MARK E. PHILLIPS
 SHANNON D. NORDSTROM⁵
 SANDRA D. GLAZIER
 DOUGLAS E. KELIN^{2,8}
 ANDY L. EDMONDSON⁶
 JAMES B. FAIRBANKS⁹

¹ ALSO ADMITTED IN NEVADA
² ALSO ADMITTED IN ILLINOIS
³ ALSO ADMITTED IN NEW YORK
⁴ ALSO ADMITTED IN COLORADO
⁵ ADMITTED NEVADA & CALIFORNIA ONLY
⁶ ADMITTED IN NEVADA ONLY
⁷ ALSO ADMITTED IN OHIO
⁸ ALSO ADMITTED IN FLORIDA
⁹ ADMITTED NEVADA & WASHINGTON ONLY

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Lipson|Neilson
 COLE, SELTZER, GARIN, P.C.
Attorneys and Counselors at Law

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 TELEFAX (248) 593-5040
www.lipsonneilson.com

E-MAIL: Ala@lipsonneilson.com

January 19, 2010

BARRY J. LIPSON
 (1955-2003)

OF COUNSEL

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 MICHAEL A. ROBBINS
 ALBERT L. HOLTZ
 BARRY L. HOWARD

GRAND RAPIDS, MICHIGAN

4808 BROADMOOR AVENUE SE
 GRAND RAPIDS, MICHIGAN 49512
 TELEPHONE (616) 575-9900

GROSSE POINTE FARMS, MICHIGAN

102 KERCHEVAL AVENUE
 KERCHEVAL SUITES - SUITE 100
 GROSSE POINTE FARMS, MICHIGAN 48236
 TELEPHONE (313) 308-0003

LAS VEGAS, NEVADA

9580 WEST SAHARA AVE., SUITE 120
 LAS VEGAS, NEVADA 89117
 TELEPHONE (702) 382-1500

Atul C. Shah
 2884 Manorwood Drive
 Troy, Michigan 48085

Re: Shah v General Motors Company, et al.
Case No. 09-14038

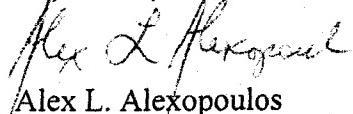
Dear Mr. Shah:

This law firm has been retained by Bashen Corporation to represent it in the above referenced lawsuit. This letter is sent to see whether you will voluntarily dismiss your claims against Bashen Corporation because your complaint fails to state a claim against Bashen Corporation. Bashen Corporation was not your employer and Bashen Corporation did not have any input whatsoever into General Motors Corporation's decision to terminate your contract employment on June 11, 2008. Please be advised that if we do not receive anything in writing from you by January 22, 2010 agreeing to dismiss your claims against Bashen Corporation, we will assume that you are not agreeing to voluntarily dismiss them and instead require us to file a motion with the Court.

Should you have any questions or comments regarding this matter, please do not hesitate to call.

Very truly yours,

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.


 Alex L. Alexopoulos

ALA/hsh